

Defendant in Pennsylvania would not comport with the Due Process Clause (Memo, p. 6-8).

The case should also be dismissed because venue is improper in the Eastern District of Pennsylvania. Defendant does not reside in Pennsylvania, and is not subject to personal jurisdiction in Pennsylvania. Furthermore, a substantial part of the events or omissions giving rise to the claim did not occur in Pennsylvania. (Memo, p. 9).

Finally, there is a prior pending motion in the United States District Court for the Central District of California that involves the same parties and the same issues. Upon information and belief, the outcome of this prior suit will substantially affect the present suit. Additionally, under the “first-filed rule,” the District Court for the Central District of California, the court in which the prior suit was filed, should decide the matter. (Memo, p. 9-10). Therefore, the present suit in the United States District Court for the District of Pennsylvania should be dismissed in favor of resolution of the matter by the California court.

CONCLUSION

Based on the foregoing, Defendant respectfully requests that the Court grant his Amended Motion to Dismiss.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the date of this filing a copy of the foregoing was served via electronic case filing and all parties of record were served by that system.

/s/Julie D. Lathia
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